



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GOODWIN PROCTER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON DC 20001

MAILED
JUN 11 2010
OFFICE OF PETITIONS

In re Application of :
Harvey, et al. :
Application No. 08/479,374 : DECISION ON PETITION
Filed: June 7, 1995 :
Attorney Docket No. 5634.148 :

This is a decision on the petition filed February 23, 2010, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed October 21, 1998 be withdrawn. The \$400.00 petition fee has been received.

The petition under 37 CFR 1.182 is **granted**.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions